

Senate Concurrent Resolution No. 18

RESOLUTION CHAPTER 63

Senate Concurrent Resolution No. 18—Relative to the creation of a Joint Committee on Headwaters Forest and Ecosystem Management Planning.

[Filed with Secretary of State June 30, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SCR 18, Sher. Joint Committee on Headwaters Forest and Ecosystem Management Planning.

This measure would establish, until June 30, 1998, the Joint Committee on Headwaters Forest and Ecosystem Management Planning and authorize the joint committee to carry out specified tasks with regard to the September 28, 1996, agreement between the federal government, this state, and MAXXAM, Inc. to exchange government assets for Headwaters Forest and surrounding forestlands.

WHEREAS, The remaining ancient and old-growth forest stands of California represent a unique and scarce natural resource that is valuable for biological, scientific, and aesthetic reasons, as well as for biological production; and

WHEREAS, Ancient and old-growth forests contain some of the largest and oldest living trees in the world and provide a complex ecosystem for a wide range of plants and animals, including threatened and endangered species; and

WHEREAS, It is the policy of this state to preserve and protect residual stands of ancient and old-growth forests that are of significant environmental or recreational importance to make them available for the benefit of present and future generations of Californians; and

WHEREAS, Californians have expressed a high priority for protecting and preserving virgin old-growth and other significant native forests, including coastal redwood forestlands; and

WHEREAS, The Headwaters Forest, consisting of approximately 3,000 acres and surrounding watershed lands located in Humboldt County, is the largest remaining privately owned grove of virgin old-growth coastal redwoods and other species of trees; and

WHEREAS, The federal government and this state entered into an agreement with MAXXAM, Inc. on September 28, 1996, providing a framework for public acquisition of the Headwaters Forest, the Elk Head Spring Grove, and surrounding buffer lands, totaling 7,500

acres, through payment of \$380 million in combined cash and traded assets from the federal government and the State of California; and

WHEREAS, The September 28, 1996, agreement also provides for a 10-month moratorium on commercial logging and timber salvage operations within the Headwaters Forest and surrounding buffer lands, and the preparation of a multispecies Habitat Conservation Plan and Sustained Yield Plan for review and approval by the federal government and this state, covering the remaining 190,000 acres of forestland remaining in the ownership of the Pacific Lumber Company; and

WHEREAS, The Habitat Conservation Plan and Sustained Yield Plan will address the impact of future timber operations on lands surrounding the Headwaters Forest and buffer area, and must be reviewed for their consistency with federal Endangered Species Act requirements applicable to the marbled murrelet and northern spotted owl, similar requirements proposed for coho salmon, and applicable regulations adopted by the State Board of Forestry; and

WHEREAS, The United States Congress and the California Legislature may be required to approve elements of the September 28, 1996, agreement, including, but not limited to, authorizing the transfer of government assets, appropriating funds, and providing for the management and use of the lands to be publicly acquired; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Headwaters Forest and Ecosystem Management Planning is hereby established and authorized to do all of the following:

(a) Ensure that the Legislature is properly consulted and involved in the implementation of the September 28, 1996, agreement between the federal government, this state, and MAXXAM Inc., including:

(1) The proposed transfer of cash from this state and assets offered by the Resources Agency, together valued at \$130 million, including the fair market value and current use of any state lands or properties to be exchanged.

(2) The impact on local government revenues and employment caused by the transfer of private lands to public ownership, or government lands to private ownership.

(3) Review of the Sustained Yield Plan for its consistency with the Z'berg-Nejedly Forest Practice Act of 1973 and State Board of Forestry rules and regulations in establishing a long-term sustained yield harvest level for the greater than 190,000 acres of privately owned commercial forestland surrounding the Headwaters Forest and the adjacent buffer area to be publicly acquired, and which must be integrated with a Habitat Conservation Plan covering federally listed fish and wildlife species.

(4) Any revision to elements of the agreement that may be determined necessary by mutual agreement of the federal government, this state, and MAXXAM Inc.

(b) Ensure that the public and affected stakeholder interests have adequate opportunities to review and comment upon all aspects of the various elements of the agreement pursuant to the National Environmental Policy Act of 1969 and the California Environmental Quality Act.

(c) Review and make recommendations to the Legislature relative to the proposed management objectives for the 7,500 acres to be jointly acquired by this state and the federal government, and any provision for public access and use.

(d) Provide a mechanism for the Legislature to review and comment on pending proposals for further listing and recovery, under the state and federal endangered species acts, of fish and wildlife species that depend on habitat contained in the Headwaters Forest and adjacent watersheds, including, but not limited to, anadromous fisheries.

(e) Provide a mechanism for the Legislature to review and address various state and federal proposals to consolidate and streamline existing regulatory programs affecting coastal forest watersheds, and to provide programs and financial incentives to restore and enhance degraded lands and aquatic habitats; and be it further

Resolved, That the Joint Committee on Headwaters Forest and Ecosystem Management Planning shall consist of at least five, but not more than seven, members appointed by the Senate Committee on Rules and at least five, but not more than seven, members appointed by the Speaker of the Assembly, and that the Senate Committee on Rules and the Speaker of the Assembly shall each appoint a cochair of the joint committee; and be it further

Resolved, That the Joint Committee on Headwaters Forest and Ecosystem Management Planning shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, and which are incorporated herein and made applicable to this joint committee and its members; and be it further

Resolved, That the Senate Committee on Rules may make money available from the Senate Operating Fund as it determines to be necessary for the expenses of the Joint Committee on Headwaters Forest and Ecosystem Management Planning and its members. Any expenditure of money shall be made in compliance with policies set forth by the Senate Committee on Rules and shall be subject to the approval of the Senate Committee on Rules; and be it further

Resolved, That the Joint Committee on Headwaters Forest and Ecosystem Management Planning shall, within 15 days of

authorization, and, consistent with the normal annual appropriations process for funding legislative committees, present its initial budget to the Senate Committee on Rules for its review, comment, and approval; and be it further

Resolved, That the Joint Committee on Headwaters Forest and Ecosystem Management Planning shall submit a report at the end of each legislative session to the Legislature on its activities; and be it further

Resolved, That the Joint Committee on Headwaters Forest and Ecosystem Management Planning is authorized to act until June 30, 1998, at which time the joint committee's existence shall terminate.

